HIGH COURT OF JUDICATURE AT BILASPUR, CHHATTISGARH

SINGLE BENCH: HON'BLE SHRI S.R. NAYAK, CJ.

WRIT PETITION NO.3977 OF 2006.

PETITIONER Ku. Sheetal Gupta, about 25 years, D/o. Shri A.K. Gupta, C/o. Droupati Devi, near the Primary School, Post – Patna, Distt. – Koria. (C.G.)

Vs.

RESPONDENTS

1. State of Chhattisgarh, Through : The Secretary, Ministry of Higher Education, Mantralay, D.K.S. Bhawan, Raipur.
2. Chhattisgarh Professional Examination Board, Through Secretary, Raipur. P.O. & Distt. Raipur (C.G.)

Present: Shri B.R. Ghosh, learned counsel for the petitioner.
Shri Utkarsh Verma, learned Dy. G.A. for the State of C.G.
Shri H.B. Agrawal, learned senior counsel with Ms. Sangeeta Mishra, learned counsel for respondent No.2.

ORAL ORDER
(Passed on 1st August, 2006)

The petitioner Ku. Sheetal Gupta appeared for the Pre-Medical Test conducted by the Chhattisgarh Professional Examination Board, the second respondent herein. In the said test, she has secured 67.01 marks in Physics, 77.88 marks in Chemistry, 77.78 marks in Zoology and 21 marks in Botany out of 100. The marks awarded to the petitioner-candidate in the subject of Botany is questioned on the ground that since the petitioner has consistently secured relatively good percentage of marks in other subjects, she ought to have secured equally good marks in the subject of Botany also. To support the above hypothesis, there is absolutely no legal basis and in fact learned counsel for the petitioner was also not in a position to lay any materials before the Court in that regard. The second ground urged is that the answer scripts are required to be assessed on the basis of the set answers furnished

by the Board and if an answer of the candidate to a question is not in conformity with such set answer, such candidate will be given no marks. It is claimed that there may be more than one correct answer to a question. The pleading in Para 6.1 is as vague as it could be and it contains only an opinion, not facts. The petitioner has not disclosed the material particulars as to for which answers, there can be more than one correct answer; the answers of the petitioner to questions etc. Be that as it may, it is now well settled that the right to peruse the answer scripts, recount of marks and revaluation of the answer scripts cannot be ordered by the Courts unless the statutory regulations or administrative instructions governing the examinations/tests as laid down by the examining Board or the University provide for them. (See AIR 1984 SC 1543). In the circumstance, the writ petition is dismissed. No costs.

Sd/-
Chief Justice

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